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June 5, 2006

### **BY E-FILE**

The Honorable Joseph J. Farnan, Jr.  
United States District Court  
844 North King Street  
Lock Box 27  
Wilmington, DE 19801

Re: Hill v. Super Fresh C.A. No. 05-452-JJF

Dear Judge Farnan:

The attempts by counsel for defendant to contact the plaintiff regarding the proposed scheduling order in the above-referenced matter have been unsuccessful. Although counsel expects that Plaintiff will respond within a reasonable time, Defendant does not want to let the filing deadline expire without any submissions to the Court. Therefore, Defendant has filed a draft of the proposed scheduling order that has not yet been reviewed or approved by Plaintiff.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

The Honorable Joseph J. Farnan, Jr.

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I apologize for any inconvenience this may cause Your Honor. Defendant will notify the Court immediately upon hearing from Plaintiff. Of course, counsel is available at any time should Your Honor have any questions or concerns.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MMDiB', is written over the typed name.

Margaret M. DiBianca (No. 4539)

MMD:y